

REMARKS

The Office Action dated December 16, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-6, 9, 11-14, and 17 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 15, 16, 18, and 19 have been cancelled without prejudice or disclaimer. No new matter has been added. Claims 1-14 and 17 are currently pending in the application and are respectfully submitted for consideration.

Claims 1 and 11-14 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Langlet (U.S. Patent No. 5,930,248) in view of Wallentin (U.S. Patent No. 6,188,911), and further in view of Endo (U.S. Patent 5,943,610) and Lee (U.S. Patent No. 5,940,762). Claims 2, 3, 15, 18 and 19 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Langlet (U.S. Patent No. 5,930,248) in view of Wallentin (U.S. Patent No. 6,188,911) and further in view of Endo (U.S. 5,943,610), Lee (U.S. 5,940,762), and Choi (U.S. Patent No. 6,724,740). Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by the combination of Langlet, Wallentin, Endo, Lee, and Choi.

Claim 1, upon which claims 2 and 3 are dependent, recites a method which includes arranging, in a mobile system between a base station controller and base stations, telecommunication channels which are available for a plurality of base stations

but not permanently allocated to any base station. The method further includes classifying said arranged telecommunication channels on the basis of their characteristics into at least two categories including primary telecommunication channels and secondary telecommunication channels. The method also includes allocating in call set-up at least one of said primary telecommunication channels between the base station controller and the base stations to the base station handling the call if available, and otherwise allocating in call set-up at least one of said secondary telecommunication channels between the base station controller and the base stations to the base station handling the call. The method further includes controlling the base station controller to transmit information to the base station to indicate for the base station the telecommunication channel between the base station controller and the base station allocated thereto.

Claim 11 recites an apparatus which includes means for a base station controller for communicating with base stations via a plurality of optional telecommunication channels, which are classified on the basis of their characteristics into at least two categories including primary telecommunication channels and secondary telecommunication channels, and which are not permanently allocated to any base station, between the apparatus and the base stations. The apparatus further includes control means for a base station controller for allocating in call set-up at least one of said primary telecommunication channels between the apparatus and the base stations to a base station for a call if available, and otherwise for allocating at least one of said secondary telecommunication channels between the apparatus and the base stations for

the call, and for transmitting a predetermined message indicating the allocated telecommunication channel to the base station to whom the channel is allocated.

Claim 12 recites an apparatus including a communicating unit for a base station controller configured to communicate with base stations via a plurality of optional telecommunication channels, which are classified on the basis of their characteristics into at least two categories including primary telecommunication channels and secondary telecommunication channels, and which are not permanently allocated to any base station, between the apparatus and the base stations. The apparatus also includes a controller for a base station controller configured to allocate in call set-up at least one of said primary telecommunication channels between the apparatus and the base station to a base station for a call if available, and otherwise for allocating at least one of said secondary telecommunication channels between the apparatus and the base station to a base station for a call and to transmit a predetermined message indicating the allocated telecommunication channel to the base stations to whom the channel is allocated.

Claim 13 recites a system including base stations and telecommunication channels which are classified on the basis of their characteristics into at least two categories including primary telecommunication channels and the secondary telecommunication channels, and which are available for a plurality of base stations but not permanently allocated to any base station, between a base station controller and the base stations. The system also includes allocating means for allocating in call set-up at least one of said primary telecommunication channels between the base station controller and the base

stations to the base station handling the call if available, and otherwise for allocating in call set-up at least one of said secondary telecommunication channels between the base station controller and the base stations to the base station handling the call. The system further includes controlling means for controlling the base station controller to transmit information to the base station to indicate for the base station the telecommunication channel between the base station controller and the base stations allocated thereto.

Claim 14 recites an apparatus including transceiver means for establishing a telecommunication connection by radio signals to subscriber terminals located in a coverage area of the apparatus. The apparatus further includes switching means for connecting the transceiver means in call set-up to a base station controller via particular channels of a plurality of optional telecommunication channels available between said base station controller and base stations of said system and which are classified on the basis of their characteristics into at least two categories including primary telecommunication channels and secondary telecommunication channels and not permanently allocated to any base station. The switching means being responsive to a message received by the apparatus in conjunction with the call set-up for switching a particular transceiver means onto the telecommunication channel between the base station controller and the apparatus indicated by the message for the call, the telecommunication channel being a primary telecommunication channel, if available, otherwise a free secondary telecommunication channel.

Embodiments of the present invention provide for an efficient utilization of telecommunication channels between the base station and the base station controller. Channel allocation may be performed call-specifically in order to improve the degree of utilization of the channels. As such, a given telecommunication channel may only be allocated for the duration of the call to a transceiver unit of the base station handling the call. When the call terminates, the telecommunication channel may be released and it can be freely allocated to another transceiver unit. The same telecommunication channel can thus be allocated call-specifically to various base stations. Thus, a pool of unallocated telecommunication channels is formed between the base stations and the base station controller; from which pool the base station controller allocates a free channel call-specifically to the base station that needs a channel for handling a call at a given time (Specification, page 2, line 34 – page 3, line 11).

As will be discussed below, the combination of Langlet, Wallentin, Endo, Lee, and Choi fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the advantages and features discussed above.

Langlet discloses a communication system which provides communication coverage over radio frequency channels that are subdivided into a plurality of time slots during which information are communicated with at least one mobile unit. The system includes a base station that is linked to a mobile unit via one or more of the radio frequency channels. The base station includes a plurality of space and/or polarization diversity antennas, for transmitting the information on multicast and non-multicast

channels. The non-multicast channels are time slots during which the information is transmitted from only one of the antennas, and the multicast channels are the time slots during which the same information is transmitted from more than one of the antennas. A controller allocates the multicast and non-multicast channels based on a measure of the propagation property of the radio frequency channels that link the mobile unit to the base station.

Wallentin discloses that, in a mobile radio communications system supporting communications with plural mobile radio units, each of several base stations includes plural radio transceivers and a common controller. The common controller assigns radio channels to ones of the transceivers. A switching controller is coupled to the base stations and controls communications involving the radio units. The switching controller transmits a control message to a selected one or more of the base stations. The control message identifies plural channels associated with the selected base station. The common controller in the selected base station distributes the control message to each of the identified channels for radio transmission.

Endo discloses transmission power control with dynamic step value depending on a location of a mobile terminal in a radio zone. The mobile terminal detects its location, whether close to a radio base station, a boundary of the radio zone, or an intermediate location, by an intensity of reception field strength of a radio signal transmitted by a radio base station. The radio base station, which has received and measured the radio signal quality transmitted by the mobile terminal, instructs the transmission power control

information (increasing or decreasing) to the mobile terminal in accordance with the measured radio signal quality. When “decreasing” instructions are received repeatedly at the mobile terminal when the mobile terminal is located near the radio base station, a larger step value than a normal case is used for decreasing transmission power of the mobile terminal. When “increasing” instructions are received repeatedly at the mobile terminal when the mobile terminal is located in the boundary of the radio zone, a larger step value than the normal case is used for increasing transmission power of the mobile terminal.

Lee discloses a method and apparatus for performing an inter-system soft handoff. When a subscriber unit crosses from a first cellular system to a second cellular system, a base station controller determines if sufficient network resources are available to conduct an inter-system soft handoff. If so, the base station controller generates a set of signaling messages that cause a call processing resource to be allocated and for the call to be processed at the second cellular system. The base station controller then performs data-selection and data-broadcast for the call by transmitting data to the subscriber unit by way of the second cellular system as well as via one or more base stations to which the base station controller is directly coupled. The determination as to whether sufficient network resources are available to conduct the inter-system soft handoff is based on the type of connection that exists between the first cellular system and the second cellular system, the number of inter-system calls being conducted, and the frame offset of the call currently being processed.

Choi discloses a CDMA communication system for transmitting/receiving control information during a voice or data communication service by using a dedicated control channel. The system includes a base station device and a terminal device. The base station device has a forward pilot channel generator for generating a pilot signal, a forward dedicated control channel generator for generating a control message for a forward dedicated control channel, a forward fundamental channel generator for generating a voice signal, and a forward supplemental channel generator for generating packet data. The terminal device includes a reverse dedicated control channel generator for generating a control message for a reverse dedicated control channel, a reverse pilot channel generator for generating a pilot signal by adding a power control signal to the pilot signal, a reverse fundamental channel generator for generating a voice signal, and a reverse supplemental channel generator for generating packet data.

Applicants respectfully submit that the combination of Langlet, Wallentin, Endo, Lee, and Choi fails to disclose or suggest all of the elements of the present claims. For instance, Langlet, Wallentin, Endo, Lee and Choi do not disclose or suggest, at least, “classifying said arranged telecommunication channels on the basis of their characteristics into at least two categories including primary telecommunication channels and secondary telecommunication channels,” “allocating in call set-up at least one of said primary telecommunication channels between the base station controller and the base stations to the base station handling the call if available, and otherwise allocating in call set-up at least one of said secondary telecommunication channels between the base

station controller and the base stations to the base station handling the call,” and “controlling the base station controller to transmit information to the base station to indicate for the base station the telecommunication channel between the base station controller and the base station allocated thereto,” as recited in claim 1 and the similar limitations recited in claims 11-14.

Contrary to the Office Action’s assertion, Langlet fails to disclose telecommunication channels between a base station controller and base stations, and which are available for a plurality of base stations but not allocated to any base station. The Office Action again refers to multicasting and multicast channels mentioned in Column 5, lines 62 - 65 and Column 13, lines 7 – 12 of Langlet. Multicasting is explained on Column 2, lines 5-10 of Langlet as follows: *"Most conventional multicasting techniques employ two or more separated antennas at each base station, to transmit the same messages over the same coverage area. The messages are multicasted either simultaneously or with some offset in time."* Clearly the multicast channels referred to by the Office Action are radio frequency channels between the base station and the mobile station, and not telecommunication channels between a base station controller and base stations, as recited in the present claims.

Applicants note that non-multicast channels are time slots during which information is transmitted from on antenna, and multicast channels are time slots during which information is transmitted from multiple diversity antennas as is discussed in Column 5, line 62 – Column 6, line 11 of Langlet:

Furthermore, the BSC 16 can dynamically reallocate the multicast and non-multicast resources based on operating requirements of the system, for example, based on fault conditions reported by the RBS 22. In addition, the BSC 16 could dynamically increase the number of time slots allocated for multicast transmission, if the propagation properties of the linking RF channels so require. For example, when a large number of mobile units 12 are positioned at the fringes of a communication cell with degraded RF links on the non-multicast channels, the BSC 16 can designate some of the non-multicast channels as multicast channels, to improve the downlink coverage. Similarly, the BSC 16 could reallocate the multicast channels as non-multicast channels, if the propagation properties of the RF channels are such that multicasting is not necessary. In this way, the BSC 16 can regularly adjust the size of the pools of channels used for multicasting or non-multicasting. Langlet, Column 5, line 62 – Column 6, line 11 (emphasis added).

As a result, Applicants respectfully assert that Langlet fails to disclose or suggest telecommunication channels which are available for a plurality of base stations but not permanently allocated to any base station and, therefore, Langlet fails to disclose or suggest the claimed “classifying,” “allocating,” and “controlling”. Wallentin, Endo, Lee, and Choi, also do not disclose these feature of the claims and, as such, fail to cure the deficiencies in Langlet.

Wallentin, like Langlet, fails to disclose or suggest allocation of telecommunications channels between a base station controller and base stations in call set-up. Wallentin, as evidenced by the abstract thereof, is only concerned with signaling between a mobile control node and one or more base stations. A person of ordinary skill in the art would not consider Wallentin relevant to solving a problem related to communication between base stations and a base station controller.

Furthermore, Applicants note that the section of Wallentin to which the Office Action refers (Wallentin, Column 4 lines 55 - 65) relates to radio channels between the base station and mobile station and not to channels between the base station controller and the base stations. This is clear when considering the entire paragraph, on Column 4 of Wallentin, to which the Office Action refers. Specifically, "manages radio communications" is mentioned on lines 52-53 of Column 4. In addition, it is explained on lines 58 - 63 of Column 4 that a paging message is transmitted "via the air interface 40 over a control channel" and that when a mobile station sends an acknowledgement over the control channel, a traffic channel is assigned. Clearly this traffic channel substitutes the control channel over the air interface which has initially been used between the mobile station and the base station. Therefore, Wallentin fails to disclose or suggest allocating in call set-up at least one of the telecommunication channels between the base station controller and the base stations to the base station handling the call and, therefore, Wallentin fails to disclose or suggest the claimed "classifying," "allocating," and

“controlling”. Endo, Lee, and Choi, also do not disclose these features of the claims and, as such, fail to cure the deficiencies in Langlet and Wallentin.

The Office Action alleged that Endo teaches controlling the base station controller to transmit information to the base station on the telecommunication channel allocated thereto. The Office Action states, on page 3 thereof, that “Endo teaches controlling the base station controller to transmit information to the base station on the telecommunications channel.” Applicants note that the claims do not recite transmitting information to the base station on the telecommunications channel. Rather, the claims clearly define that the information transmitted indicates for the base station the allocated channel between the base station controller and the base station. Such a solution is not disclosed by Endo.

Instead, Endo only refers to data transmission between a base station and a control apparatus (Endo, Column 4, lines 56-60). In particular, Endo discloses that “the radio base station control apparatus 103 transmits and receives data between the radio base stations 101, 102 connected to this control apparatus 103, and a mobile terminal which is connected to these radio base stations in the wireless manner. This radio base station control apparatus 103 owns a function to monitor the reception field strength of the mobile terminal 100 under communication, and another function to send an instruction to the mobile terminal 100 to increase/decrease the transmission power thereof in response to the measured reception field strength” (Endo, Column 4, lines 55-60). Endo, however, does not disclose or suggest transmitting information to the base station indicating the

telecommunication channel, between the base station controller and the base station, that is allocated thereto. Endo only refers to radio transmission between a base station and a control apparatus. The only information mentioned in the cited portion of Endo is the increase/decrease of transmission power.

Accordingly, Endo, like Langlet and Wallentin, fails to disclose or suggest the claimed “classifying,” “allocating,” and “controlling”. Lee and Choi also do not disclose these features of the claims and, therefore, fail to cure the deficiencies in Langlet, Wallentin, and Endo.

Lee, like Langlet, Wallentin, and Endo, fails to disclose or suggest “controlling the base station controller to transmit information to the base station to indicate for the base station the telecommunication channel between the base station controller and the base station allocated thereto,” as recited in claim 1 and the similar limitations recited in claims 11-14. The Office Action refers to Column 7, lines 45-50 of Lee, which discloses that “[f]or the forward link data, an additional instance is sent to the target-BSC 20 by way of the call channel established between the anchor and target BSC's 20. Using the internally allocated signal processing resources, target-BSC 20 forwards the data received from anchor-BSC 20 to the target-base station 22, which in turn transmits that data via the forward link channel allocated for to the call as shown.” However, this section of Lee does not make any mention of providing a base station with information about a telecommunication channel allocated for the base station between the base station and the base station controller. Instead, Lee is merely concerned with communication between

two base station controllers, and with forwarding information from an anchor base station controller to a base station for forwarding via a forward link channel already allocated for the call.

Lee, like Langlet, Wallentin, and Endo, fails to disclose or suggest “controlling the base station controller to transmit information to the base station to indicate for the base station the telecommunication channel between the base station controller and the base station allocated thereto,” as recited in claim 1 and the similar limitations recited in claims 11-14. Choi fails to cure these deficiencies in Langlet, Wallentin, Endo and Lee.

Choi also fails to disclose or suggest the claimed “classifying,” “allocating,” and “controlling”. In particular, Choi does not disclose or suggest that the telecommunication channels are classified on the basis of their characteristics into at least primary telecommunication channels and secondary telecommunication channels, and that a primary channel is allocated for the base station handling the call if available or otherwise a secondary channel is allocated.

The Office Action refers to Column 29, lines 4-24 of Choi as being relevant to the claimed limitation. This section of Choi, however, merely indicates that, upon call setup, the data transmission/reception channels may make various combinations. The cited portion of Choi does not even make any reference to a base station controller and certainly does not disclose “classifying said arranged telecommunication channels on the basis of their characteristics into at least two categories including primary telecommunication channels and secondary telecommunication channels,” or “allocating

in call set-up at least one of said primary telecommunication channels between the base station controller and the base stations to the base station handling the call if available, and otherwise allocating in call set-up at least one of said secondary telecommunication channels between the base station controller and the base stations to the base station handling the call," as recited in the present claims.

Therefore, Choi, like Langlet, Wallentin, Endo, and Lee fails to disclose or suggest the claimed "classifying," "allocating," and "controlling". Hence, the combination of Langlet, Wallentin, Endo, Lee, and Choi fails to disclose or suggest, at least, "classifying said arranged telecommunication channels on the basis of their characteristics into at least two categories including primary telecommunication channels and secondary telecommunication channels," "allocating in call set-up at least one of said primary telecommunication channels between the base station controller and the base stations to the base station handling the call if available, and otherwise allocating in call set-up at least one of said secondary telecommunication channels between the base station controller and the base stations to the base station handling the call," and "controlling the base station controller to transmit information to the base station to indicate for the base station the telecommunication channel between the base station controller and the base station allocated thereto," as recited in claim 1 and the similar limitations recited in claims 11-14.

Furthermore, Applicants respectfully submit that the Office Action has failed to provide a prima facie case for obviousness. It is well established in U.S. patent law that a

piecemeal analysis of a number of references, to extract a number of individual elements which are picked and chosen to recreate the claimed invention, is improper absent some teaching or suggestion in the references to support their use in the particular claimed combination. It is improper to look to the Applicant's own disclosure for any such motivation or incentive. (*Interconnect Planning Corporation v. Feil*, 227 USPQ 543 (Fed. Cir. 1985). There is no motivation or teaching in any of the references that indicates that these references could or should be combined, or in case they are any way combined, which features should be picked from which reference. Applicants submit that the Office Action is using improper hindsight reasoning is combining the references, since the only motivation to combine the references is gleaned from the present application. Applicants, therefore, respectfully submit that the claimed invention is not obvious and the rejection of the claims is improper.

In view of the above, Applicants respectfully assert that the Office Action has failed to provide a proper *prima facie* case for obviousness of claims 1 and 11-14. The rejection of these claims must therefore be withdrawn.

Claims 2 and 3 are dependent upon claim 1. As such, claims 2 and 3 should be allowed for at least their dependence upon claim 1, and for the specific limitations recited therein.

Claims 4, 7, 9, and 10 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Langlet (U.S. Patent No. 5,930,248) in view of Kanai (U.S. Patent No. 6,195,566), and further in view of Wallentin (U.S. 6,188,911) and Kallin (U.S. Patent No.

5,701,592). Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Langlet (U.S. Patent No. 5,930,248) in view of Kanai (U.S. 6,195,566), and further in view of Wallentin (U.S. Patent No. 6,188,911), Kallin (U.S. Patent No. 5,701,592), and Choi (U.S. Patent No. 6,724,740). Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by the combination of Langlet, Kanai, Wallentin, Kallin, and Choi.

Claim 4, upon which claims 5-8 are dependent, recites a system including a base station controller, a plurality of optional telecommunication channels, which are not permanently allocated to any base station, available between said base station controller and base stations, said optional telecommunication channels being classified on the basis of their characteristics into at least two categories including primary telecommunication channels and secondary telecommunication channels. The system also includes at least a first and a second base station. The base stations comprise transceiver units configured to establish a telecommunication connection by radio signals to the subscriber terminals located in the base station coverage area and a switching unit configured to switch the base station transceiver units onto a particular channel of the plurality of optional telecommunication channels between the base station controller and the base stations. the base station controller comprises a controller which in call set-up allocates at least one of said primary telecommunication channels between said base station controller and said base stations to the first or the second base station for the call if available, and otherwise allocates at least one of said secondary telecommunication channels between

the base station controller and the first or second base station for the call and which transmit a predetermined message indicating the allocated telecommunication channel to the base station to whom the channel is allocated. The switching unit of the first, and correspondingly, of the second base station are responsive to the message for switching the base station transceiver units to the telecommunication channel assigned by the message.

Claim 9, upon which claim 10 is dependent, recites an apparatus, which includes transceiver units configured to establish a telecommunication connection by radio signals to subscriber terminals located in a coverage area of the apparatus. The apparatus further a switching unit configured to connect the transceiver units in call set-up to a base station controller via particular channels of a plurality of optional telecommunication channels which are classified on the basis of their characteristics into at least two categories which are classified on the basis of their characteristics into at least two categories including primary telecommunication channels and secondary telecommunication channels, and which are available between said base station controller and base stations of said system and which are not permanently allocated to any base station. The switching unit being responsive to a message received by the apparatus in conjunction with the call set-up for switching a particular transceiver unit onto the telecommunication channel between the base station controller and the apparatus indicated by the message for the call, the telecommunication channel being a primary telecommunication channel, if available, other wise a free secondary telecommunication channel.

As will be discussed below, the combination of Langlet, Kanai, Wallentin, Kallin, and Choi fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the advantages and features discussed above.

Langlet, Wallentin, and Choi are discussed above. Kanai discloses a cellular radio communication system utilizing integrated base stations. The system includes a cell containing a first base station with conventional transceivers and base station facilities, and the antenna of a second base station facility. The first base station facility is made up of a group of base stations facilities where the equipment is integrated, while the second base station is a conventional local base station. A transceiver may have unused capacity and a caller with a low priority may not be assigned to the transceiver even though capacity is available. Instead, the capacity is kept available for a caller with a higher priority. Traffic monitors are used by portable telephone providers to manage the traffic in every cell, and traffic can be assigned to the transceiver based on the provider with the highest volume or according to a prearranged priority scale.

Kallin discloses a method and system for controlling overhead information transmission in a radio communication system. When messages are broadcast by the system which may cause mobile stations to attempt system access, these messages are sent on streams A and B at offset rather than adjacent times so as to desynchronize the reception of these messages by even and odd numbered mobile identification number mobile stations. In this way, the load on the reverse control channel is spread out over

time rather than being clumped to reduce the possibility of overload in response to any particular transmission on the overhead message trains.

Applicants respectfully submit that the Office Action has failed to provide a prima facie case for obviousness. It is well established in U.S. patent law that a piecemeal analysis of a number of references, to extract a number of individual elements which are picked and chosen to recreate the claimed invention, is improper absent some teaching or suggestion in the references to support their use in the particular claimed combination. It is improper to look to the Applicant's own disclosure for any such motivation or incentive. (*Interconnect Planning Corporation v. Feil*, 227 USPQ 543 (Fed. Cir. 1985)). There is no motivation or teaching in any of the references that indicates that these references could or should be combined, or in case they are any way combined, which features should be picked from which reference. Applicants submit that the Office Action is using improper hindsight reasoning in combining the references, since the only motivation to combine the references is gleaned from the present application. The combination of Langlet, Kanai, Wallentin, Kallin, and Choi is prima facie improper. Applicants, therefore, respectfully submit that the claimed invention is not obvious and the rejection of the claims is improper.

Further, Applicants respectfully submit that the combination of Langlet, Kanai, Wallentin, Kallin, and Choi fails to disclose or suggest all of the elements of the present claims. Applicants submit that the arguments discussed above, with respect to the disclosures of Langlet, Wallentin and Choi in view of claims 1 and 11-14, equally apply

to claims 4 and 9. In addition, Applicants submit that Kanai and Kallin do not disclose or suggest the features alleged by the Office Action. More specifically, Applicants submit that the combination of Langlet, Kanai, Wallentin, Kallin, and Choi fails to disclose or suggest “the switching unit of the first, and correspondingly, of the second base station are responsive to said message for switching the base station transceiver units to the telecommunication channel assigned by said message,” as recited in claim 4 and the similar limitations in claim 9.

With respect to Kanai, the Office Action alleged that Kanai teaches a switching unit configured to switch the base station transceiver units onto a particular channel of a plurality of optional channels between a base station controller and base stations. In the cited sections of Kanai (Fig. 1, BSC102, Controller 130 and Switching devices 105), however, the switching means 105 is between the transceivers 104 and the antenna means in the base station, and, therefore, totally incapable of carrying out switching among telecommunication channels between the base station controller 102 and the base station. Kanai, therefore, fails to disclose or suggest a switching unit configured to switch the base station transceiver units onto a particular channel of said plurality of optional telecommunication channels between the base station controller and the base stations. Langlet, Wallentin, Kallin, and Choi also fail to cure this deficiency in Kanai.

The Office Action further argues that Kallin discloses the switching unit of the first and second base station, which is responsive to said message for switching the base station transceiver units to the telecommunication channel assigned by said message. In

this connection, Applicants note that “said” message is, according to the claim wording, a message from a base station controller that indicates an allocated channel between the base station controller and the base station to the base station. The section of Kallin, referred to by the Office Action, fails to teach or suggest such a solution. Instead, Kallin only discloses an exchange (MSC) that allocates a radio channel **between a mobile station and a base station**. Therefore, Kallin fails to disclose or suggest “the switching unit of the first, and correspondingly, of the second base station are responsive to said message for switching the base station transceiver units to the telecommunication channel assigned by said message.” Langlet, Kanai and Wallentin, as acknowledged by the Office Action, also fail to disclose or suggest this limitation of the claims.

Applicants therefore respectfully submit that claims 4 and 9 recite subject matter which is neither disclosed nor suggested by the combination of Langlet, Kanai, Wallentin, Kallin, and Choi. Accordingly, Applicants respectfully request that the rejection of claims 4 and 9 be withdrawn.

Claims 5-8, 10, and 17 are dependent upon claims 4 and 9, respectively. As such, claims 5-8 and 10 should be allowed for at least their dependence upon claims 4 and 9, and for the specific limitations recited therein.

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Langlet in view of Kanai, and further in view of Wallentin, Kallin, and Lu (U.S. Patent No. 5,887,256). This rejection is respectfully traversed for at least the following reasons.

Langlet, Kanai, Wallentin and Kallin are discussed above. Lu discloses a method for facilitating cellular communication for a plurality of native cellular handsets in a hybrid cellular communication network which includes a cellular exchange subsystem and a private mobile-services switching center. The cellular exchange subsystem is coupled to a public cellular, and the native cellular handsets are handsets that subscribe to the hybrid cellular communication network. The hybrid cellular communication network also facilitates cellular communication between a non-native cellular handset and the public cellular network, where the non-native cellular handsets are handsets that do not subscribe to the hybrid cellular communication network. Access request data is received and a cellular exchange subsystem is used to determine whether the access request data originated from a native cellular handset or from a non-native cellular handset. If the access request data originated from a native cellular handset, then data relating to the access request is passed to the private mobile-services switching center for completing a first call path from the native cellular handset. If the access request data originated from a non-native cellular handset, then data relating to the access request data is passed to the public cellular network for completing a second call path between the non-native cellular handset and the public cellular network.

Claim 8 is dependent upon claim 4. As discussed above, Langlet, Kanai, Wallentin, and Kallin fail to disclose or suggest all of the limitations of claim 4. Lu does not cure the deficiencies in Langlet, Kanai, Wallentin and Kallin, as Lu also fails to disclose or suggest the telecommunication channels, switching unit and controller, as

recited in claim 4. Hence, the combination of Langlet, Kanai, Wallentin, Kallin, and Lu does not disclose or suggest the limitations of claim 8. Further, claim 8 should be allowed for at least its dependence upon claim 4, and for the specific limitations recited therein.

In addition, Applicants submit that the rejection of claim 8 is based on improper hindsight reasoning as discussed above. Applicants assert that the Office Action is using improper hindsight reasoning is combining the references, since the only motivation to combine the references is gleaned from the present application. Applicants, therefore, respectfully submit that the claimed invention is not obvious and the rejection of the claims is improper.

Claims 16 and 17 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Langlet *et al.* (U.S. Patent No. 5,930,248) in view of Kanai (U.S. 6,195,566), and further in view of Wallentin *et al.* (U.S. 6,188,911), Kallin *et al.* (U.S. Patent No. 5,701,592), and Choi *et al.* (U.S. Patent No. 6,724,740). Claim 16 has been cancelled. This rejection is respectfully traversed with respect to claim 17 for at least the following reasons.

Claim 17 is dependent upon claim 9. As discussed above, Langlet, Kanai, Wallentin, Kallin, and Choi, whether viewed individually or combined, fail to disclose or suggest all of the elements of claim 9. Thus, the combination of Langlet, Kanai, Wallentin, Kallin, and Choi fails to disclose or suggest all of the elements of claim 17.

Additionally, claim 17 should be allowed for at least its dependence upon claim 9, and for the specific limitations recited therein.

For at least the reasons discussed above, Applicants respectfully submit that the cited prior art fails to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-14 and 17 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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